

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Omar Hernandez,

5 Plaintiff

6 v.

7 Romeo Aranas, et al.,

8 Defendants  
9

2:18-cv-00102-JAD-PAL

**Order re: change of address, pauper  
application, and injunctive-relief motions**

[ECF Nos. 1, 4, 5, 6]

10 **A. Change of address**

11 According to the Nevada Department of Corrections (NDOC) inmate database, pro se  
12 plaintiff Omar Hernandez has been paroled and is no longer incarcerated at the High Desert State  
13 Prison (HDSP).<sup>1</sup> But Hernandez's mailing address on file with the court is still HDSP. This  
14 court's local rules require "a pro se party [to] immediately file with the court written notification  
15 of any change of mailing address, email address, telephone number, or facsimile number. The  
16 notification must include proof of service on each opposing party or the party's attorney. Failure  
17 to comply with this rule may result in the dismissal of the action, entry of default judgment, or  
18 other sanctions as deemed appropriate by the court."<sup>2</sup> Because Hernandez is in violation of this  
19 local rule, I give him 30 days to update his address with the court. If he fails to do so by this  
20 deadline, I will dismiss this action without prejudice and without further prior notice.

21 **B. *In forma pauperis* application**

22 Hernandez also has a prisoner application for to proceed *in forma pauperis* pending.<sup>3</sup> But  
23 because Hernandez is no longer a prisoner, that application is now moot. So, I deny it and give  
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25 <sup>1</sup> NEV. DEP'T OF CORR. (Feb. 21, 2018) (inmate lookup by name Omar Hernandez or by offender  
26 ID 73330).

27 <sup>2</sup> L.R. IA 3-1.

28 <sup>3</sup> ECF No. 1.

1 Hernandez 30 days to file an application for a non-prisoner to proceed *in forma pauperis* or to  
2 pay the full \$400 filing fee.

3 **C. Injunctive-relief motions**

4 Hernandez also moves for an order to show cause, a temporary restraining order, and a  
5 preliminary injunction, seeking to compel the NDOC to schedule his eye surgery before he is  
6 paroled and transferred to Arizona.<sup>4</sup> I deny all three motions because Hernandez is no longer  
7 incarcerated and has not demonstrated a reasonable expectation of returning to NDOC's  
8 custody.<sup>5</sup>

9 **Conclusion**

10 Accordingly, IT IS HEREBY ORDERED that **Hernandez has until March 26, 2018, to**  
11 **update his on-file mailing address with the court.** If he fails to do so by this deadline, this  
12 case will be **DISMISSED** without prejudice and **without further prior notice.**

13 IT IS FURTHER ORDERED that Hernandez's pauper application for prisoners [ECF  
14 No. 1] is **DENIED.** **Hernandez has until March 26, 2018,** to either: (1) file an application for  
15 non-prisoners to proceed *in forma pauperis*; OR (2) pay the full \$400 filing fee.

16 IT IS FURTHER ORDERED that Hernandez's motions for injunctive relief [ECF Nos.  
17 4, 5, 6] are **DENIED as moot.**

18 DATED: February 22, 2018.

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20 U.S. District Judge Jennifer A. Dorsey  
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22 <sup>4</sup> It is unclear from these motions whether Hernandez expects to enter the custody of the Arizona  
23 Department of Corrections to serve an Arizona sentence. *See* ECF No. 4 at 5 ("I will be  
24 transported to Arizona where I was just paroled").

25 <sup>5</sup> *See Johnson v. Moore*, 948 F.2d 517, 519–22 (9th Cir. 1991) (holding that claims for injunctive  
26 relief related to a prison's policies are moot when a prisoner has been transferred to another  
27 facility and shows no reasonable expectation of return); *Murphy v. Hunt*, 455 U.S. 478, 482  
28 (1982) (exception to mootness that case is capable of repetition yet evading review limited to  
circumstances where there is a reasonable expectation that the same complaining party would be  
subject to the same action again).